

REMARKS

Claims 1-15 are pending and stand rejected. None of the claims has been amended.

Claims 1-10 and 12-15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Shaffer. Applicant respectfully traverses.

On June 23, 2006, the Examiner and the undersigned attorney discussed Shaffer and claims 1, 5, and 8 over the telephone. The contents of that discussion are reflected herein.

Shaffer describes a system for voice mail networking between a voice mail system at a local site and a voice mail system at a remote site (2:34-40). FIG. 3 is a flowchart that describes a process for an embodiment of the invention. First, a call is placed to a remote phone 54 (3:29-34). The remote call processor 60 detects a condition that would normally result in forwarding the phone call to the remote voice mail system 56 (3:35-37; FIG. 3, step 100). Rather than forward the call, the remote call processor 60 communicates with a local call processor 20 in order to determine whether the local voice mail system 16 and the remote voice mail system 56 support the same voice mail networking protocols (3:52-54; FIG. 3, step 108).

If they do support the same protocols, the remote call processor 60 sends the local call processor 20 the message delivery phone number of the remote voice mail system 56 (4:23-26; FIG. 3, step 114). The call is then transferred to the local voice mail system 16 via the local call processor 20 (4:26-32; FIG. 3, step 115). The user is prompted to leave a voice mail on the local voice mail system 16 (4:32-34; FIG. 3, step 116). Later, the voice mail is forwarded from the local voice mail system 16 to the remote voice mail system 56 (4:45-46; FIG. 3, step 122).

CLAIM 1

Claim 1 recites:

A method for receiving and storing voice mail messages, the method comprising:
receiving, at a first server, an incoming call;
determining whether the call is to be transferred to voice mail; and
responsive to determining that the call is to be transferred to voice mail:
determining the call's voice mail extension;
determining a second server, the second server being the voice
mail extension's home server;
determining whether the second server is a remote server; and
responsive to determining that the second server is a remote server:
determining whether the second server is available; and
responsive to determining that the second server is not
available, storing the voice mail message in the first
server.

The Examiner agreed that claim 1 was patentable over Shaffer. Specifically, Shaffer does not disclose, teach, or suggest the claimed element "determining whether the second server is a remote server." Although Shaffer discusses making many determinations regarding voice mail systems (see, e.g., steps 102, 104, and 108 in FIG. 3), none of these determinations regards whether a server is a remote server. Shaffer also discusses determining whether the called party is using the remote telephone (5:19-20; FIG. 5, step 142). However, this does not constitute "determining whether the second server is a remote server."

Thus, claim 1 is patentable over Shaffer.

CLAIM 5

Claim 5 recites:

A method for distributing voice mail messages, the method comprising:
determining, at a first server, whether a second server is available; and
responsive to determining that the second server is available:
retrieving a voice mail message from the first server; and
sending the voice mail message to the second server.

Shaffer does not disclose, teach, or suggest the claimed element "responsive to determining that the second server is available ... sending the voice mail message to the second server." In Shaffer, a voice mail message is sent from the local voice mail system 16 to the remote voice mail system 56 (see above). The determination regarding when to send this message is based on inputs from the user (e.g., request for urgent delivery), any other messages in the queue for delivery to the same remote voice mail system, and/or the varying connection cost for use of public switching telephone network (PSTN) 30 (4:40-46; FIG. 3, step 120). Shaffer does not disclose sending the message based on a determination that the remote voice mail system is available.

Thus, claim 5 is patentable over Shaffer.

CLAIMS 8, 15

Claim 8 recites:

An apparatus for receiving, storing, and distributing voice mail messages, the apparatus comprising:

- a call status module, configured to determine whether a call should be transferred to voice mail;
- a call transfer module, configured to determine a call's voice mail extension and a server on which the voice mail extension resides;
- and
- a voice mail migration module, configured to send a voice mail message to a remote server.

Shaffer does not disclose, teach, or suggest the claimed element "a call transfer module, configured to determine a call's voice mail extension and a server on which the voice mail extension resides." Although Shaffer discusses making many determinations regarding voice mail systems (see, e.g., steps 102, 104, and 108 in FIG. 3), none of these determinations regards a server on which the voice mail extension resides. In Shaffer, a voice mail extension resides

somewhere within a voice mail system (such as remote voice mail system 56). Shaffer doesn't disclose whether this voice mail system includes multiple servers and, as a result, also doesn't disclose determining a server on which a voice mail extension resides.

Thus, claim 8 is patentable over Shaffer. Claim 15 recites similar language is likewise patentable over Shaffer for at least the same reasons.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of Sherwood. Applicant respectfully traverses. This claim depends from claim 8, which is patentable over Shaffer. In addition, claim 11 recites other features not included in claim 8. Thus, claim 11 is patentable over Shaffer in view of Sherwood. Additionally, for the record, Applicant traverses the Examiner's assertions concerning the disclosure of Sherwood and the motivation to combine Shaffer and Sherwood.

The claims not specifically mentioned above depend from their respective base claims, which were shown to be patentable over Shaffer. In addition, these claims recite other features not included in their respective base claims. Thus, these claims are patentable over Shaffer, for at least the reasons discussed above, as well as for the elements that they individually recite.

Applicant respectfully submits that the pending claims are allowable over the cited art of record and requests that the Examiner allow this case. The Examiner is invited to contact the undersigned in order to advance the prosecution of this application.

Respectfully submitted,
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